

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 21-175 (JRT/TNL)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**MOTION TO DISMISS THE
INDICTMENT**

ZACHARY CLIFFORD SPOTTKE,

Defendant.

The United States of America, by and through its attorneys, Andrew M. Luger, United States Attorney for the District of Minnesota, and Assistant U.S. Attorney Lauren O. Roso, hereby moves the Court for an Order dismissing, with prejudice, the Indictment as to defendant Zachary Clifford Spottke, pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure.

On August 11, 2021, the United States filed an Indictment against Mr. Spottke charging him with seven counts of making false statements, in violation of Title 18, United States Code, Section 1001(a)(2). (ECF No. 1.) Mr. Spottke pleaded guilty to Count Three of the Indictment on April 28, 2022, pursuant to a plea agreement in which the parties agreed to a deferred entry of judgment. (ECF No. 44.) In the agreement, which was accepted by the Court, the parties agreed that entry of judgment should be deferred for a period of 24 months, during which time Mr. Spottke agreed to comply with all conditions recommended by United States Probation and Pretrial Services. (*Id.* at 2.) The agreement further provided that if, at the conclusion of the 24-month period, the Court is satisfied that

Mr. Spottke has suitably complied with all its conditions, the United States would move to dismiss the Indictment in this matter. (*Id.* at 2-3.) The 24-month period is set to expire on April 27, 2024.

After discussing the matter with Mr. Spottke’s probation officer, U.S.P.O. Brian James, the United States is satisfied that Mr. Spottke has suitably complied with all conditions ordered by the Court during the past 24-month period. Specifically, the United States is aware that, to date, Mr. Spottke has met all expectations in completing mental health treatment, and has complied with all drug and alcohol testing, location monitoring, and internet use monitoring. U.S.P.O. James further indicated that Mr. Spottke “ha[s] successful[ly] completed supervision without significant concerns,” and “appears to have a bright future.”

Accordingly, the United States moves the Court to dismiss the Indictment against Mr. Spottke on or about April 27, 2024, provided the Court is satisfied with Mr. Spottke’s continued compliance as of that date.

Dated: April 4, 2024

Respectfully Submitted,

ANDREW M. LUGER
United States Attorney

s/ Lauren O. Roso

BY: LAUREN O. ROSO
Assistant U.S. Attorney
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